

Plaintiffs' Exhibit G

LINDA WALLESHAUSER

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SIERRA BOUCHER, LILY ENGBRECHT,
NATASSIA TUHOVAK, HANNAH WHELAN, and
CASSIDY WOOD,

Plaintiffs,

- against - Case No.
1:22-cv-00381-CCR

TRUSTEES OF CANISIUS COLLEGE,

Defendant.

Examination before trial of **LINDA**
WALLESHAUSER, taken pursuant to the Federal Rules
of Civil Procedure, in the offices of JACK W.
HUNT & ASSOCIATES, INC., 1120 Liberty Building,
Buffalo, New York, on September 27, 2024,
commencing at 1:52 p.m., before LORI K. BECK, CSR,
CM, Notary Public.

JACK W. HUNT & ASSOCIATES, INC.

14:05:55 1 resources complaints and investigations, if any,
14:05:57 2 correct?

14:05:58 3 **A.** Correct.

14:06:00 4 **Q.** Okay. Did you learn about complaints
14:06:09 5 regarding Dr. Noonan prior to the spring of 2019?

14:06:16 6 **A.** No.

14:06:18 7 **Q.** When is the first time that you became
14:06:21 8 aware of a complaint regarding Dr. Noonan's
14:06:25 9 conduct?

14:06:25 10 **A.** At the end of January of 2019.

14:06:29 11 **Q.** And who made you aware of that?

14:06:31 12 **A.** Dr. Sue Margulis and Dr. Liz Hogan.
14:06:42 13 Elizabeth Hogan, excuse me.

14:06:44 14 **Q.** And did Dr. Hogan and Dr. Margulis --
14:06:47 15 did they make you aware of complaints regarding
14:06:49 16 Dr. Noonan's conduct at the same time, or how did
14:06:51 17 it happen?

14:06:52 18 **A.** Dr. Margulis met with me first, and
14:06:57 19 then Dr. Hogan met with me separately afterwards.

14:07:01 20 **Q.** Okay. And what prompted Dr. Margulis
14:07:04 21 to come to you in January of 2019?

14:07:07 22 **MR. D'ANTONIO:** Objection to form. Are you
14:07:08 23 asking what's -- what prompted her to come?

14:07:12 1 **MS. NANAU:** Yes.

14:07:12 2 **BY MS. NANAU:**

14:07:12 3 **Q.** What was the substance of the
14:07:14 4 complaint --

14:07:14 5 **MR. D'ANTONIO:** That's different.

14:07:15 6 **BY MS. NANAU:**

14:07:16 7 **Q.** -- that Dr. Margulis related to you in
14:07:18 8 January of 2019?

14:07:20 9 **A.** She advised me that several students
14:07:24 10 had come forth to speak with her regarding concerns
14:07:28 11 about Dr. Noonan's behaviors, most recently at that
14:07:34 12 time on the trip to India that the students were
14:07:38 13 involved in.

14:07:40 14 **Q.** Okay.

15 **The following was marked for Identification:**

16 **PLF. EXH. 79** **Investigation Summary, Bates**
17 **numbers CANISIUS 000487**
18 **through CANISIUS 000490**

14:09:22 19

14:09:22 20 **BY MS. NANAU:**

14:09:24 21 **Q.** So I show you what's been marked as
14:09:26 22 Plaintiffs' 79. It is a multi-page document
14:09:30 23 produced by the Defendant, and the Bates stamp

14:09:34 1 range is CANISIUS 487 to 490.

14:09:38 2 Ms. Walleshauser, do you recognize this
14:09:41 3 document?

14:09:41 4 **A.** I do.

14:09:42 5 **Q.** Is this a document that you developed?

14:09:45 6 **A.** Yes.

14:09:45 7 **Q.** Okay. Did you develop it with anyone's
14:09:48 8 assistance?

14:09:51 9 **MR. D'ANTONIO:** You mean actual drafting as
14:09:53 10 opposed to the information being provided?

14:09:56 11 **MS. NANAU:** Exactly.

14:09:56 12 **BY MS. NANAU:**

14:09:57 13 **Q.** In the actual drafting.

14:09:58 14 **A.** In the drafting, no.

14:09:59 15 **Q.** Okay. And with regard to the
14:10:03 16 information provided by other sources, is that
14:10:08 17 confined to the last page?

14:10:11 18 **A.** Yes.

14:10:12 19 **Q.** Okay. So is it fair to say that the
14:10:19 20 last page is an investigation timeline with regard
14:10:23 21 to complaints raised about Dr. Noonan's misconduct
14:10:27 22 during the spring of 2019?

14:10:30 23 **A.** Yes.

14:10:31 1 **Q.** Okay. So it looks like the first point
14:10:37 2 in this timeline is January 28th, 2019, and what's
14:10:43 3 memorialized is a meeting with Dr. Sue Margulis,
14:10:48 4 and then it says, slash: General student concerns.

14:10:51 5 Did I read that correctly?

14:10:53 6 **A.** Yes.

14:10:53 7 **Q.** Okay. And do you -- you related to me
14:10:57 8 that Dr. Margulis came to you to share concerns
14:11:02 9 that students had raised about Dr. Noonan.

14:11:11 10 The context of some of those concerns was
14:11:13 11 the trip to India in December and January '19 --
14:11:17 12 I'm sorry, December and January -- December 2018 to
14:11:22 13 January 2019, correct?

14:11:23 14 **A.** Correct, yes.

14:11:24 15 **Q.** And were you -- were you aware of when
14:11:27 16 other students raised complaints with Dr. Margulis
14:11:31 17 regarding Dr. Noonan's conduct?

14:11:36 18 **A.** Can you repeat that, please.

14:11:37 19 **Q.** Sure. Were you aware of when other
14:11:41 20 students other than the Project Tiger students who
14:11:44 21 went on the India trip -- when they raised their
14:11:47 22 complaints to Dr. Margulis?

14:11:50 23 **MR. D'ANTONIO:** Objection to form. You may

14:50:39 1 complaints regarding issues with Dr. Mike Noonan?

14:50:44 2 If so, can we schedule a brief call at your

14:50:48 3 convenience?

14:50:48 4 Did I read that correctly?

14:50:50 5 **A.** Yes.

14:50:50 6 **Q.** So why did you send this email to

14:50:53 7 Dr. Mangione if she had a method of memorializing

14:51:00 8 all of the complaints that were raised with her?

14:51:03 9 **A.** I felt it was important to get a verbal

14:51:06 10 confirmation from her, and I knew her very well and

14:51:11 11 felt it was appropriate to -- to reach out.

14:51:15 12 I -- even though I had checked her records

14:51:17 13 and did not find anything, I felt it was important

14:51:21 14 to talk with her.

14:51:22 15 **Q.** You knew Dr. Mangione very well because

14:51:26 16 she was the Title 9 coordinator at Canisius during

14:51:29 17 the time that you worked there, correct?

14:51:31 18 **A.** She was also the vice-president for

14:51:33 19 student affairs, and I worked with her on the

14:51:38 20 leadership team, so I had a very close working

14:51:44 21 relationship with her in that capacity as well.

14:51:46 22 **Q.** Got it. So she -- Dr. Mangione wrote

14:51:54 23 you back, correct?

14:51:55 1 **A.** Yes.

14:51:56 2 **Q.** And the email is on the first page,
14:51:59 3 correct?

14:51:59 4 **A.** Yes.

14:52:00 5 **Q.** And she writes: I do not -- in the
14:52:04 6 second -- or third sentence:

14:52:07 7 I do not recall receiving any Title 9
14:52:09 8 related complaints involving Dr. Mike Noonan. I
14:52:13 9 recall that in her lawsuit against Canisius, and
14:52:17 10 then there is a name that's redacted, made
14:52:20 11 accusations -- I think it should be that Dr. Noonan
14:52:24 12 inappropriately touched another student, but that
14:52:28 13 alleged student never filed a complaint with me,
14:52:32 14 and I checked with Dr. Ellen Conley, who was the
14:52:37 15 Title 9 coordinator until June 2013, and she did
14:52:42 16 not recall a complaint being filed against
14:52:44 17 Dr. Noonan.

14:52:45 18 Did I read that correctly?

14:52:46 19 **A.** Yes.

14:52:50 20 **Q.** The lawsuit against Canisius that is
14:52:53 21 referenced here, was that a lawsuit brought by
14:52:57 22 Morgan Dunbar?

14:52:59 23 **A.** From my understanding, yes.

14:53:10 1 **Q.** And then Dr. Mangione wrote that she
14:53:20 2 checked with Dr. Ellen Conley, who was the Title 9
14:53:25 3 coordinator until June 2013.

14:53:27 4 I guess I'm wondering: Did you understand
14:53:30 5 Dr. Mangione to state that she had, in 2019,
14:53:35 6 checked with Dr. Conley about whether a Title 9
14:53:40 7 complaint had been filed by a student against
14:53:43 8 Dr. Noonan or that in 2013 she had checked with
14:53:49 9 Dr. Conley about a Title 9 complaint regarding
14:53:53 10 Dr. Noonan?

14:53:54 11 **MR. D'ANTONIO:** Objection to form. You've
14:53:56 12 got the document. Are you asking what she
14:53:59 13 understands?

14:54:00 14 **MS. NANAU:** I'm asking what she understood
14:54:03 15 the email from Dr. Mangione to mean.

14:54:05 16 **THE WITNESS:** I was understanding that she
14:54:07 17 had checked with Dr. Conley recent -- at that time
14:54:11 18 to confirm.

14:54:11 19 **BY MS. NANAU:**

14:54:12 20 **Q.** In 2019?

14:54:14 21 **A.** Yes. That was my understanding.

14:54:15 22 **Q.** Okay. Do you know if the Canisius
14:54:25 23 Title 9 policy in 2013 required mandatory reporters

15:12:39 1 **A.** Oh, I'm sorry. Yes, that's correct.

15:12:42 2 **Q.** Okay. So I'm particularly interested
15:12:45 3 in asking you about a bias report that starts on
15:12:50 4 1749 and 1750, so it's, yeah, these little
15:12:55 5 right-hand numbers.

15:12:57 6 **MR. D'ANTONIO:** Yeah, but we don't have them
15:12:59 7 on this.

15:13:00 8 (Off the record: 3:13 p.m.)

15:14:55 9 (On the record: 3:14 p.m.)

15:14:56 10 **THE WITNESS:** Okay.

15:14:57 11 **BY MS. NANAU:**

15:14:57 12 **Q.** So what is this two-page document,
15:15:01 13 Ms. Walleshauser?

15:15:02 14 **A.** This is the -- an actual bias report
15:15:05 15 form that was received.

15:15:08 16 **Q.** And is the date of receipt
15:15:12 17 February 12th, 2019?

15:15:15 18 **A.** Yes.

15:15:17 19 **Q.** And this is an anonymous complaint,
15:15:23 20 correct?

15:15:23 21 **A.** That's right.

15:15:24 22 **Q.** And do you know if the -- if Canisius
15:15:29 23 received this complaint prior to February 12th,

15:15:32 1 2019?

15:15:34 2 **A.** This is date stamped and received on
15:15:37 3 February 12th --

15:15:38 4 **Q.** Okay.

15:15:38 5 **A.** -- through the system, the Qualtrics
15:15:43 6 system.

15:15:49 7 **Q.** What is Qualtrics?

15:15:50 8 **A.** It's a reporting tool. It's a software
15:15:54 9 that's -- that was used.

15:15:56 10 **Q.** When did Canisius implement this
15:16:00 11 Qualtrics system, do you know?

15:16:02 12 **A.** I don't know.

15:16:07 13 **Q.** Okay. Are you aware that students are
15:16:09 14 permitted to submit comments to Canisius regarding
15:16:15 15 the classes that they've taken at the end of a
15:16:18 16 semester?

15:16:19 17 **A.** Yes.

15:16:21 18 **Q.** In your capacity as the interim
15:16:25 19 Title -- Title 9 coordinator for faculty and staff,
15:16:28 20 did you review student comments of the classes that
15:16:34 21 they took at Canisius?

15:16:37 22 **A.** For all faculty?

15:16:41 23 **Q.** Yes.

15:16:42 1 **A.** No.

15:16:42 2 **Q.** Did you review the student comments?

15:16:44 3 **A.** No, this -- the -- those comments were
15:16:48 4 not available to me to review.

15:16:52 5 **Q.** Who -- who gets the student comments at
15:16:55 6 the end of a semester?

15:16:57 7 **A.** To my understanding, the department
15:16:59 8 chairs receive them.

15:17:04 9 **Q.** If a department chair receives a
15:17:07 10 comment that makes claims regarding alleged sexual
15:17:17 11 misconduct by a faculty member, are they required
15:17:20 12 to report that comment to the Title 9 coordinator?

15:17:25 13 **A.** In that situation, yes.

15:17:27 14 **Q.** Okay.

15 **The following was marked for Identification:**

16 **PLF. EXH. 83 Course Evaluations|**
17 **Anthology, Bates numbers**
18 **Canisius06933 through**
19 **Canisius06940**

15:18:25 20

15:18:25 21 **BY MS. NANAU:**

15:18:25 22 **Q.** So I'm going to direct your attention
15:18:29 23 in Plaintiffs' 83, which is a document with the

15:18:34 1 Bates-stamp range 6933 to 6940.

15:18:43 2 I'm going to direct your attention to the
15:18:45 3 second to last page.

15:18:53 4 **A.** Okay.

15:18:56 5 **Q.** And it's the last point on this page
15:19:02 6 starting with: Dr. Noonan is not the kind of man I
15:19:06 7 want to be spending my money on to be teaching me.

15:19:09 8 Do you see that?

15:19:10 9 **A.** I do.

15:19:12 10 **Q.** And do you see that this February 12th,
15:19:17 11 2019, has -- this bias report form has the exact
15:19:26 12 same first sentence?

15:19:27 13 **A.** Yes.

15:19:29 14 **Q.** And would you agree with me that the
15:19:34 15 bias report form from February 12th, 2019, is
15:19:40 16 verbatim what appears on 6939?

15:19:44 17 **A.** Yes.

15:19:45 18 **Q.** Okay. And these comments -- or the
15:19:52 19 comments that are in Plaintiffs' 83 are from a
15:19:57 20 summary report of student comments relating to
15:20:03 21 Dr. Noonan from the fall of 2018, correct?

15:20:07 22 **MR. D'ANTONIO:** The course was in the fall
15:20:08 23 of 2018. The document isn't dated.

15:20:17 1 **MS. NANAU:** Well, that -- that's true that
15:20:18 2 there is no perceived date that I can see.

15:20:18 3 **BY MS. NANAU:**

15:20:22 4 **Q.** I guess my question is,
15:20:26 5 Ms. Walleshauser: Do you -- are you aware of when
15:20:27 6 students are permitted to provide feedback on
15:20:33 7 faculty performance?

15:20:34 8 Is it immediately at the conclusion of a
15:20:37 9 class?

15:20:38 10 **A.** I'm -- I'm not aware of the schedule.

15:20:40 11 **Q.** Okay.

15:20:42 12 **A.** That's an academic responsibility.

15:20:46 13 **Q.** Were you aware of this -- that there
15:20:48 14 had been a -- that the same comments reflected in
15:20:53 15 the bias report from February 12th, 2019, had also
15:20:58 16 appeared in comments submitted to Canisius
15:21:02 17 regarding Dr. Noonan's performance as a professor
15:21:07 18 in sex evolution and behavior in the fall of 2018?

15:21:11 19 **A.** I was not aware.

15:21:19 20 **Q.** Okay. Did there ever come a time
15:21:20 21 during your investigation in 2019 where the student
15:21:24 22 who provided this bias report form from
15:21:28 23 February 12th, 2019 -- that the identity of that

15:28:03 1 I think some --

15:28:11 2 **THE WITNESS:** This -- this is the summary of
15:28:15 3 the first meeting with Dr. Noonan and a summary of
15:28:19 4 his responses on that particular day.

15:28:21 5 This is not the entire investigation
15:28:24 6 summary.

15:28:24 7 **BY MS. NANAU:**

15:28:24 8 **Q.** Okay.

15:28:25 9 **A.** Yes. Yes.

15:28:27 10 **Q.** So this document is a summary of the
15:28:37 11 meeting that you had with Dr. McCarthy and
15:28:39 12 Dr. Noonan on February 21st, 2019, correct?

15:28:43 13 **A.** Yes.

15:28:45 14 **Q.** And at that meeting, you told
15:28:48 15 Dr. Noonan that your role was as an investigator
15:28:53 16 and fact finder, correct?

15:28:54 17 **A.** Yes.

15:28:55 18 **Q.** And you informed him that Canisius had
15:28:59 19 received several complaints regarding his
15:29:02 20 interactions with students and that is why you were
15:29:05 21 meeting there today, correct?

15:29:08 22 **A.** Correct.

15:29:09 23 **Q.** And during the course of the meeting,

15:29:12 1 you afforded him with detail regarding the
15:29:16 2 allegations of misconduct that had been attributed
15:29:20 3 to him by the students who came forward in
15:29:23 4 January and February of 2019, correct?

15:29:25 5 **A.** Correct.

15:29:25 6 **Q.** And you also provided him with an
15:29:28 7 opportunity to respond to the allegations, correct?

15:29:31 8 **A.** Yes.

15:29:32 9 **Q.** And his response is memorialized in
15:29:35 10 Plaintiffs' 74?

15:29:37 11 **A.** Yes.

15:29:39 12 **Q.** When you were in the meeting with
15:29:41 13 Dr. Noonan and Dr. McCarthy, how did you
15:29:47 14 memorialize Dr. Noonan's responses?

15:29:49 15 **A.** I was taking notes throughout the
15:29:51 16 entire meeting on my computer.

15:29:54 17 **Q.** Okay. So you were typewriting --

15:29:56 18 **A.** Correct.

15:29:57 19 **Q.** -- responses?

15:29:58 20 **A.** Yes.

15:29:58 21 **Q.** Okay. And was there a draft of this
15:30:02 22 document when you walked out of the meeting on
15:30:07 23 February 21st, 2019?

15:34:24 1 **A.** Correct.

15:34:25 2 **Q.** Okay. At -- at the end of the
15:34:40 3 February 21st, 2019 meeting, Dr. Noonan was
15:34:43 4 informed that he was going to be put on paid leave,
15:34:45 5 correct?

15:34:46 6 **A.** Yes.

15:34:47 7 **Q.** Okay. And --

15:34:51 8 **MR. D'ANTONIO:** Are you finished with that
15:34:52 9 document?

15:34:53 10 **MS. NANAU:** I am.

15:34:53 11 **MR. D'ANTONIO:** Okay.

15:34:53 12 **BY MS. NANAU:**

15:34:54 13 **Q.** And after February 21st, 2019, when you
15:35:00 14 met with Dr. Noonan, is it true that you met with
15:35:03 15 him outside of the Canisius campus?

15:35:06 16 **MR. D'ANTONIO:** Objection to form. May I
15:35:08 17 have that back?

15:35:11 18 **MS. NANAU:** Let me strike that question.

15:35:13 19 **BY MS. NANAU:**

15:35:13 20 **Q.** When you met with Dr. Noonan after
15:35:15 21 February 21st, 2019, you did not meet with him on
15:35:19 22 Canisius's campus, correct?

15:35:21 23 **MR. D'ANTONIO:** This is meetings after the

15:35:22 1 February 21st.

15:35:23 2 **MS. NANAU:** Yes.

15:35:24 3 **MR. D'ANTONIO:** I'm sorry.

15:35:25 4 **MS. NANAU:** Yes, that's what I said.

15:35:26 5 **THE WITNESS:** No, meetings with Dr. Noonan
15:35:27 6 were all on the Canisius campus.

15:35:31 7 **BY MS. NANAU:**

15:35:31 8 **Q.** Okay. So even after --

15:35:31 9 **A.** Yes.

15:35:34 10 **Q.** -- February 21st.

15:35:35 11 **A.** Yes.

15:35:37 12 **Q.** Did they all take place in the same
15:35:39 13 place?

15:35:40 14 **A.** Yes.

15:35:41 15 **Q.** And where was that?

15:35:42 16 **A.** The president's boardroom at Canisius.

15:35:46 17 **Q.** Is that like a conference room?

15:35:48 18 **A.** Yes.

15:35:50 19 **Q.** Okay. Then the next entry on your
15:35:55 20 investigation timeline is Monday, February 25th,
15:36:01 21 2019: Faculty statement provided, Dr. Christy
15:36:05 22 Hoffman, additional email statement provided on
15:36:09 23 2/27/19.

15:36:11 1 Did I read that correctly?

15:36:13 2 **A.** Yes.

15:36:13 3 **Q.** And then you have entries on Tuesday,
15:36:17 4 2/26/19 reflecting a faculty statement provided by
15:36:22 5 Dr. Suchak and Thursday, 2/28/19, a faculty
15:36:30 6 statement provided by Dr. Russell, correct?

15:36:33 7 **A.** Correct.

15:36:35 8 **Q.** And you provided information regarding
15:36:41 9 these faculty statements to Dr. McCarthy as well,
15:36:44 10 correct?

15:36:44 11 **A.** Correct.

15:36:46 12 **Q.** Did you rely on Dr. McCarthy to convey
15:36:49 13 the information in your reports to President
15:36:52 14 Hurley?

15:36:56 15 **A.** I provided President Hurley the
15:36:59 16 investigation summary, the full investigation
15:37:03 17 summary.

15:37:05 18 **Q.** Okay. And the full investigation
15:37:07 19 summary, is that comprised of documents that we've
15:37:13 20 already reviewed?

15:37:14 21 **A.** Yes.

15:37:15 22 **Q.** And what are the documents that we've
15:37:17 23 reviewed that was your investigation summary?

15:37:19 1 **A.** The initial investigation summary from
15:37:22 2 2/21.

15:37:23 3 **Q.** So Plaintiffs' 74.

15:37:25 4 **A.** Yes, and there is another summary from
15:37:30 5 the follow-up meeting with Dr. Noonan on March 13th
15:37:34 6 that included the faculty -- the faculty statements
15:37:38 7 as well.

15:37:41 8 **Q.** Okay.

15:37:42 9 **A.** That was included. This was not the
15:37:45 10 full investigation summary.

15:37:46 11 **MR. D'ANTONIO:** Plaintiffs' 74 was not the
15:37:48 12 full investigation summary.

15:37:50 13 **THE WITNESS:** No. No, there was another
15:37:52 14 document, and it would have included some of the --
15:38:04 15 the exact same process with -- where --

15:38:07 16 **MR. D'ANTONIO:** Summarizing his answers.

15:38:08 17 **THE WITNESS:** Summarizing his answers, yes,
15:38:10 18 correct.

15:38:11 19 **BY MS. NANAU:**

15:38:11 20 **Q.** Got it.

15:38:12 21 **A.** Yes.

15:38:12 22 **Q.** While we're on the subject, I thought I
15:38:38 23 would bring out these additional documents.

16:14:39 1 **A.** Yes.

16:14:40 2 **Q.** Is that when your direct contact with
16:14:43 3 Dr. Noonan stopped?

16:14:43 4 **A.** Correct.

16:14:44 5 **Q.** Okay. And then the last point is
16:14:49 6 Wednesday, 3/20/2019, statement obtained via phone
16:14:54 7 from, and then there's a blank -- or it's blacked
16:14:58 8 out. Do you see that?

16:14:59 9 **A.** Yes.

16:14:59 10 **Q.** Who is that individual?

16:15:02 11 **A.** I believe it was [REDACTED]

16:15:10 12 **Q.** And did [REDACTED] provide you with a
16:15:16 13 statement in writing, or was it a verbal statement
16:15:19 14 over the telephone?

16:15:20 15 **A.** It was a verbal statement over the
16:15:22 16 telephone.

16:15:22 17 **Q.** And was that memorialized in any of the
16:15:24 18 documents that we've discussed today?

16:15:28 19 **A.** I believe so. It is in the
16:15:36 20 investigation summary. I believe it's in the
16:15:38 21 master summary.

16:15:40 22 **Q.** And so the master summary would be
16:15:44 23 Plaintiffs' 74? I think we agreed the master

16:15:49 1 summary was 74 and 85 combined, right?

16:15:53 2 **A.** They're -- they're -- does that first
16:15:57 3 statement include all of the statements from the
16:16:02 4 students that -- because what you have is not the
16:16:06 5 full comprehensive.

16:16:07 6 There was one comprehensive document that
16:16:10 7 included both of those pieces but also all of my
16:16:14 8 summary notes from the meetings with each student.

16:16:20 9 **Q.** Such --

16:16:20 10 **A.** So you --

16:16:21 11 **Q.** How about -- can I refer to you
16:16:23 12 Plaintiffs' 73.

16:16:26 13 **MR. D'ANTONIO:** If we can find it.

16:16:32 14 **THE WITNESS:** That's why I keep referring to
16:16:34 15 this master document.

16:16:34 16 **MS. NANAU:** Sure.


16:16:35 17 **THE WITNESS:** That's what my -- my master --
16:16:38 18 my whole summary was in one large -- large summary.

16:16:43 19 (Off the record: 4:16 p.m.)

16:17:03 20 (On the record: 4:17 p.m.)


16:17:04 21 **MR. D'ANTONIO:** All right. I've handed her
16:17:06 22 Exhibit 73.


16:17:11 23 **MS. NANAU:** Thank you.

16:18:14 1 **THE WITNESS:** These are all the individual
16:18:18 2 notes, but in the -- there is one final summary of
16:18:23 3 everything that also had an additional note, I
16:18:29 4 believe, from  and it says verbal statement
16:18:33 5 provided --

16:18:37 6 **BY MS. NANAU:**

16:18:37 7 **Q.** Okay.


16:18:38 8 **A.** -- by , and I -- if I'm
16:18:44 9 remembering that name correctly.

16:18:45 10 **MR. D'ANTONIO:** It is -- no, that's --
16:18:47 11 you're correct. I mean, there is an 
16:18:51 12 that's involved.

16:18:52 13 **THE WITNESS:** Yes.

16:18:52 14 **BY MS. NANAU:**

16:18:53 15 **Q.** Well, Ms. Walleshauser, I will
16:18:56 16 definitely look out for that. I don't -- sitting
16:18:59 17 here right now looking at my Exhibits that I've
16:19:02 18 prepared to question you about, I don't think I
16:19:05 19 have that.

16:19:05 20 But now that you've advised me that there
16:19:12 21 was a phone call between you and  do
16:19:15 22 you -- do you remember if you had handwritten notes
16:19:20 23 or typed notes regarding the call that you had with

16:19:25 1 Ms. Bagen?

16:19:27 2 **A.** I -- I am not certain.

16:19:28 3 **Q.** Okay. During your initial meeting with
16:19:38 4 the students who came forward in January and
16:19:41 5 February of 2019, the students raised various
16:19:47 6 concerns they had about how their academic -- how
16:19:59 7 their -- I guess their educational experience at
16:20:03 8 Canisius would be affected by their complaints
16:20:07 9 about Dr. Noonan, correct?

16:20:09 10 **MR. D'ANTONIO:** Objection to form.

16:20:14 11 **THE WITNESS:** They expressed concerns to me
16:20:19 12 about how them coming forward would impact their
16:20:22 13 academics?

16:20:22 14 **BY MS. NANAU:**

16:20:23 15 **Q.** Yes.

16:20:24 16 **A.** Yes.

16:20:24 17 **Q.** Okay.

18 **The following was marked for Identification:**

19 **PLF. EXH. 86 Dr. Noonan-Next**

20 **Steps-2-14-19, Bates number**

21 **CANISIUS 000349**

16:21:06 22

16:21:06 23 **THE WITNESS:** Okay.

16:21:07 1 **BY MS. NANAU:**

16:21:07 2 **Q.** So I show you what's been marked as
16:21:09 3 Plaintiffs' 86. It's a one-page document, and the
16:21:12 4 Bates stamp is CANISIUS 349.

16:21:15 5 This is a typewritten document. Are these
16:21:16 6 your notes?

16:21:17 7 **A.** Yes.

16:21:17 8 **Q.** Okay. So the top of the document says
16:21:21 9 Dr. Noonan Next Steps 2/14/2019 -- or 2/14/19,
16:21:27 10 correct?

16:21:28 11 **A.** Correct.

16:21:28 12 **Q.** And the first point is:

16:21:30 13 Address academic backup plan for all area
16:21:34 14 class, research team, work-study students, and
16:21:40 15 Project Tiger.

16:21:41 16 Did I read that correctly?

16:21:42 17 **A.** Yes.

16:21:47 18 **Q.** Were these next steps that you would
16:21:52 19 address, or were these next steps that Canisius as
16:21:55 20 a whole had to address?

16:21:57 21 **A.** Canisius as a whole --

16:21:58 22 **Q.** Okay.

16:21:58 23 **A.** -- had to address.

16:22:00 1 **Q.** So with regard to addressing a backup
16:22:05 2 plan for all area class, research team, work-study
16:22:10 3 students, and Project Tiger, who was ultimately
16:22:12 4 responsible for that?

16:22:13 5 **A.** That would have been Dr. Sue Margulis,
16:22:23 6 Dr. Liz Hogan, and Dr. Peter Schaber, who was the
16:22:28 7 dean, and all of this would have been reviewed and
16:22:32 8 discussed under the advisement of the
16:22:34 9 vice-president, Dr. Margaret McCarthy.

16:22:38 10 **Q.** The second point is IT backup plan,
16:22:45 11 correct?

16:22:46 12 **A.** Yes.

16:22:47 13 **Q.** So there was a concern raised by the
16:22:50 14 students regarding information they had on
16:22:53 15 computers that were in Dr. Noonan's area in the
16:22:57 16 ABEC department, correct?

16:22:57 17 **A.** Yes.

16:23:00 18 **Q.** And to your knowledge, those computers
16:23:02 19 were backed up, correct?

16:23:04 20 **A.** Correct.

16:23:04 21 **Q.** And that -- those backups included the
16:23:07 22 Project Tiger footage, correct?

16:23:09 23 **A.** Correct.

16:23:09 1 **Q.** Okay. And the third point is -- on
16:23:15 2 your list is film footage from Project India; is
16:23:21 3 that correct?

16:23:22 4 **A.** Yes.

16:23:22 5 **Q.** The students, when they came forward to
16:23:24 6 discuss their concerns about Dr. Noonan's
16:23:25 7 misconduct with you, they had concerns about
16:23:28 8 whether or not they would be able to complete
16:23:31 9 their -- their Project Tiger documentary, correct?

16:23:34 10 **A.** Yes.

16:23:38 11 **Q.** And the end result was that during the
16:23:43 12 spring 2019 semester, they were not afforded the
16:23:47 13 film footage, correct?

16:23:49 14 **MR. D'ANTONIO:** Objection, form.

16:23:52 15 **THE WITNESS:** I'm not certain that's
16:23:54 16 correct. They were working very closely with
16:24:00 17 Dr. Margulis and Dr. Hogan to identify the best way
16:24:05 18 to proceed to complete the semester and all of
16:24:09 19 these individual requirements and things they were
16:24:12 20 concerned about.

16:24:13 21 **BY MS. NANAU:**

16:24:14 22 **Q.** Were you -- were you involved in those
16:24:15 23 discussions?

16:24:16 1 **A.** I was not.

16:24:16 2 **Q.** Okay. So you don't know one way or the
16:24:18 3 other if they made the Project Tiger documentary
16:24:28 4 during the spring of 2019, correct?

16:24:31 5 **A.** Correct, I'm not certain.

16:24:33 6 **Q.** Okay. So the fourth point here is:
16:24:39 7 Clarify document signed when students travel
16:24:43 8 to India, medical authority.

16:24:46 9 Did I read that correctly?

16:24:47 10 **A.** Yes.

16:24:48 11 **Q.** What does that mean?

16:24:49 12 **A.** So from my understanding, there was a
16:24:50 13 release form that -- that the students were
16:24:55 14 required to sign when taking a trip with -- with
16:25:02 15 Dr. Noonan on these research trips.

16:25:05 16 **Q.** Did you ever locate that medical
16:25:08 17 release form? Do you know if it existed?

16:25:13 18 **A.** I don't believe I located that form.

16:25:15 19 **Q.** So you don't know whether or not it
16:25:17 20 existed --

16:25:18 21 **A.** No.

16:25:19 22 **Q.** -- right? Then the next point is:

16:25:22 23 Clarify if any male students participate in

16:41:19 1 We were following the investigation
16:41:20 2 protocols that were outlined in the antiharassment
16:41:24 3 and discrimination policy, in conjunction with the
16:41:27 4 New York State sexual harassment prevention policy,
16:41:30 5 not the protocols that were outlined in the sexual
16:41:33 6 and gender misconduct policy.

16:41:36 7 Q. Okay. But I guess more specifically
16:41:43 8 what I'm interested in is:

16:41:47 9 What specific accommodations did you tell
16:41:50 10 the students who came forward in January or
16:41:55 11 February of 2019 regarding Noonan's misconduct
16:41:58 12 could be available to them?

16:41:59 13 Was that a discussion that was had?

16:42:01 14 A. Can you clarify what you mean by
16:42:03 15 accommodations?

16:42:03 16 Q. Sure. Any kind of support that they
16:42:07 17 could request that Canisius afford them in the wake
16:42:10 18 of coming forward with a complaint.

16:42:13 19 A. So I was aware that they were provided
16:42:16 20 policies through a campus-wide communication when
16:42:21 21 Connie and I were appointed to our interim roles
16:42:27 22 from the office of the president.

16:42:28 23 I was also aware that all of those policies

16:42:30 1 were available to them on their student portal and
16:42:35 2 the Canisius web.

16:42:35 3 I was also aware that our student -- our
16:42:38 4 student counseling center had communicated it with
16:42:42 5 the campus community about resources available.

16:42:44 6 I asked them through every meeting and email
16:42:47 7 if they needed anything, to ask, and that we as --
16:42:53 8 as the college were -- were here to support them.

16:42:57 9 **Q.** My question is a little different.

16:43:00 10 Did you ever tell the students who came
16:43:03 11 forward in January and February of 2019 that they
16:43:07 12 could request Canisius's support in the form of
16:43:12 13 specific accommodations and provide them examples
16:43:14 14 of what those accommodations could be?

16:43:17 15 **A.** I gave them general information and
16:43:20 16 said if they needed any support, to -- to advise
16:43:24 17 us.

16:43:25 18 **Q.** Okay. And so by providing the students
16:43:29 19 with general information, you pointed them to the
16:43:31 20 policies that you've already articulated, correct?

16:43:35 21 **A.** Yes.

16:43:35 22 **Q.** Okay. But my understanding is you
16:43:38 23 didn't specifically discuss specific accommodations